

PATENT

Case Docket No. LOMAU.108CPDV1
Date: September 27, 2005



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yong Hua Zhu, et al.
Appl. No. : 09/929,700
Filed : August 31, 2001
For : TISSUE OPENING LOCATOR AND EVERTER AND METHOD
Group Art Unit : 3731
Class/Sub-Class : 606-21300
Examiner : Gary Jackson

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 27, 2005

(Date)

Glen L. Nuttal, Reg. No. 46,188

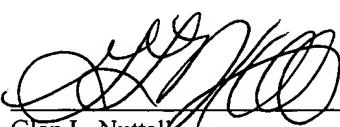
TRANSMITTAL LETTER

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

(X) Form PTOL-85.
(X) A check in the amount of \$1,030 to cover the issue fee, publication fee, and advanced order of copies is enclosed.
(X) Comments on Statement of Reasons for Allowance in two (2) pages.
(X) Comments and Request for Clarification of Notice of Allowability in two (2) pages.
(X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
(X) Return prepaid postcard.


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Glen L. Nutall, Reg. No. 46188

COMMENTS AND REQUEST FOR CLARIFICATION OF NOTICE OF ALLOWABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed on June 27, 2005, Applicants present the following requests for comments and clarification.

Allowed Claims

The Notice of Allowability does not list the allowed claims. In a telephone interview with the Examiner on September 13, 2005, the Examiner indicated that Claims 27-53 are allowed. These are the same claims (27-53) that were allowed in the Notice of Allowance previously mailed on July 21, 2003.

Applicants thus respectfully request clarification of the Notice of Allowability mailed June 27, 2005, or issuance of a supplemental Notice of Allowability, specifically indicating that Claims 27-53 are the allowed claims in the present application.

Amendment Filed March 31, 2004

Box No. 1 of the Notice of Allowability mailed on June 27, 2005 specifically notes that the Notice is responsive to several Information Disclosure Statements filed by Applicants. However, Applicants also filed a Supplemental Amendment on March 31, 2004. Applicants respectfully request clarification that the March 31, 2004 Amendment was considered by the Examiner.

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Additional Information Disclosure Statements

Upon becoming aware of potentially-relevant new references, Applicants promptly filed Information Disclosure Statements on August 2, 2005 and August 25, 2005. Each of these IDSe recites only a single reference. In Applicant's telephone interview with the Examiner on September 13, 2005, the Examiner indicated that these references would be reviewed.

Applicants respectfully request that the Examiner review the cited references, and return an initialled copy of the IDSe to Applicants to acknowledge such review.

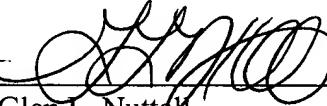
Conclusion

In summary, and as discussed in Applicant's September 13, 2005 telephone discussion with the Examiner, Applicants respectfully request clarification of the Notice of Allowability mailed June 27, 2005 in connection with each of the above-discussed issues, or issuance of a supplemental Notice of Allowability.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/27/05

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Glen L. Nuckall, Reg. No. 46,188

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Statement of Reasons for Allowance, which was included in the first Notice of Allowance, mailed July 21, 2003, Applicants would like to clarify that the allowed claims are patentable because the prior art does not teach or suggest each of the limitations of each allowed claim when the claim is considered as a whole.

More particularly, independent Claim 27 is allowable because the prior art does not teach or suggest a device for precisely locating a wound in a blood vessel, comprising an elongate tube having a proximal end, a distal end, and an elongate lumen, the tube being configured to slidably accommodate a guidewire therewithin; and at least two indicator holes through an outer wall of the tube and communicating with the lumen, a distance between the distal end and each of the indicator holes being substantially the same.

Claims 28-37 depend from Claim 27 and recite additionally patentable subject matter. For each of these claims, the prior art does not teach or suggest all of the limitations when the claim is considered as a whole.

Independent Claim 38 is allowable because the prior art does not teach or suggest a device for locating a vascular wound, comprising a retractor comprising two elongate members adapted to move relative to each other between open and closed positions, each member having a

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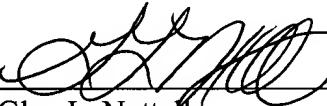
distal end and a proximal end, and the members are adapted to define a longitudinal channel therebetween when in the closed position; and a catheter comprising a lumen connected to a source of negative pressure; an opening formed through an outer wall of the catheter and communicating with the lumen; and a guide point defined on an outer surface of the catheter proximal of the opening, a longitudinal distance between the opening and the guide point being at least the same as the thickness of a vascular vessel wall; wherein the distal ends of the retractor members are positioned at or adjacent the guide point.

Claims 39-53 depend from Claim 38 and recite additionally patentable subject matter. For each of these claims, the prior art does not teach or suggest all of the limitations when the claim is considered as a whole.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/27/05

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